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Atty Docket No.: 10014137-1

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):    S. Brandon Keller et al.        Confirmation No.:    5374

Serial No.:    10/052,334            Examiner: Pannala, Sathyanaraya R.

Filed:    January 23, 2002            Group Art Unit:    2164

Title:    SYSTEM AND METHOD FOR PROVIDING PAGES WITH A COMMON
APPEARANCE AT A NETWORK-BASED SITE

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Applicants respectfully request review of the final rejection in the above-identified

application. No amendments are being filed with this request.

This Pre-Appeal Brief Request for Review is being filed concurrently with a Notice of

Appeal and is submitted for the reasons stated on the attached sheets.

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the

following remarks. Claims 1-7, 9-13, and 15-19 are pending in the present application, of

which Claims 1, 7, 13, and 19 are independent. Claims 1-7, 9-13, and 15-19 have been

rejected.

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*The Examiner Has Made Clear Errors in Rejecting Claims 1-7, 9-13, and 15-19 as Allegedly*

*Being Obvious over Dan et al. (6,560,639) in view of Alexander (6,732,331), and DuFresne*

*(5,835,712)*

> Dan *et al.*, Alexander, and DuFresne fail to teach or suggest a system "that allows
> data contained in each page of a site to be changed without changing each page
> of the site individually...where each of the tags calls the same page configuration
> information to be inserted into each page of the site," as recited by independent
> claims 1, 7, 13, and 19.

The rejection correctly acknowledges that both Dan et al. and Alexander fail to teach

or suggest a system that allows data contained in each page of a site to be changed without

changing each page of the site individually by tags on each page of a site that call the same

page configuration information. However, the rejection alleges that this feature is taught by

DuFresne at column 13 lines 8-12. The passage of DuFresne cited in the rejection refers to

"globals," which "can exist on multiple web pages." However, DuFresne does not teach or

suggest that globals call the same page configuration information to be inserted into each

page of a site. DuFresne discloses that globals "include a collection of sources of text and

graphics...with tag extensions" in column 13 lines 10-12. Furthermore, column 13 lines 34-

45 of DuFresne state that globals call information through the use of specific tag extensions

and that each global may be given a different tag extension to call different information.

Therefore, DuFresne discloses globals to contain different information and include multiple

sources of information. Accordingly, in order to change data in each page of a site, each

source of information in DuFresne would have to be changed individually. Thus, DuFresne

fails to teach or suggest a system that allows data contained in each page of a network-based

site to be changed without changing each page of the site individually. In addition, nowhere

in DuFresne, including the passage cited by the Examiner, are tags embedded in each page of

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a multiple page site calling the "same page configuration," as independent claims 1, 7, 13,

and 19 recite, taught or suggested.

Moreover, DuFresne does not teach or suggest that tags exist on each page of a site, as

independent claims 1, 7, 13, and 19 recite. As set forth above, DuFresne only teaches that

globals may exit in multiple pages. DuFresne does not teach or suggest a tag on each page of

a site calling the same information.


> Dan *et al.*, Alexander, and DuFresne fail to teach or suggest "a tag embedded in
> each page of a multiple page network-based site," as recited by independent claims
> 1, 7, 13, and 19.

The rejection alleges that Dan et al. teaches this feature in Figure 24 and columns 10,

26, and 29. Fig. 24, however, is a "schematic of the computer and its peripherals." Fig. 24

illustrates a "display" and a "display interface," but does not teach a web page, and certainly

does not illustrate a tag embedded in each page of a multiple page site.

Column 10 merely refers to a site having multiple pages where each page is linked to

each other to form the site. The rejection appears to be interpreting the word "linked" as the

equivalent to referring to a tag. This interpretation of Dan is incorrect. This passage is best

understood when read in conjunction with the first half of the paragraph in column 9 lines 61-

67. The paragraph defines "web presence" as a "related collection of linked files, which is

non-geographically limited." Dan uses the term "linked" simply to refer to the fact that all

pages of a website are connected, such that a user may move from one web page to another in

a common website. Column 10 simply describes a conventional website and does not teach

or suggest a tag embedded in each page of a website.

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Similarly, the cited passage in columns 26 and 29 describe adding an additional page

to a conventional website. In fact, nowhwere does Dan et al. teach or suggest a tag embedded

in each page of a multiple page site. Therefore, Dan et al. fails to teach a tag embedded in

each page of a multiple page network based site," as recited by independent claims 1, 7, 13,

and 19. Please refer to page 10 of the response submitted on January 13, 2006.

**Dan et al., Alexander, and DuFresne fail to teach or suggest "a database script to be called from within each tag," as recited by independent claims 1, 7, 13, and 19.**

The rejection alleges that this feature is disclosed by Dan in Fig. 2 and column 11

lines 28-29. Fig. 2, however, illustrates a front end daemon connected to a webserver and a

back end daemon connected to database and the front end daemon. The Office Action alleges

that the statement "the web management system scans the site's database for scripts" is

analogous to the claimed features. This passage specifically states that "the web management

system 30" searches the database for scripts. As Fig. 2 illustrates the web management

system 30 is the front and back end daemons. In contrast to Dan, the claims recite that a

script is called from within a tag in each page of a web site. The front and back end daemons

of Dan are not tags in each page of a web site. Instead, Dan discloses a web management

system scanning for scripts and does not teach or suggest a database script to be called from

within each tag, where a tag is embedded in each page of a site. Therefore, Dan fails to teach

or suggest a script to be called from within each tag, as recited by the independent claims.

Accordingly, it is respectfully submitted that the Examiner clearly erred in rejecting

claims 1-7, 9-13, and 15-19 as allegedly being obvious over Dan et al., Alexander, and

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DuFresne, because the prior art of record fails to teach the features of independent claims 1,

7, 13, and 19. Therefore, withdrawal of the rejections are respectfully submitted.
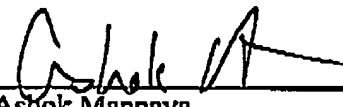

## Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this

application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would

assist in resolving any issues pertaining to the allowability of the above-identified

application, please contact the undersigned at the telephone number listed below. Please

grant any required extensions of time and charge any fees due in connection with this request

to deposit account no. 08-2025.

                                        Respectfully submitted,


Dated: June 26, 2006            By   _____
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